

TITLE XI
VOCATIONAL REHABILITATION EDUCATION

CHAPTER 55
VOCATIONAL REHABILITATION DIVISION

[Prior to 9/7/88, see Public Instruction Department[670] Ch 35]

DIVISION I
ORGANIZATION AND OPERATION

281—56.1(259) Designation of state board. The state board for vocational education is designated as the sole agency for the administration, supervision and control of the state plan except as indicated in 56.2(259).

281—56.2(259) Vocational rehabilitation of the blind. The department for the blind is authorized by state law to rehabilitate the blind.

The following definition of blindness observed by the department of human services in determining eligibility for blind assistance is the basis for allocating cases between the two agencies:

“An individual approved for blind assistance shall be one who has no vision, not more than 20/200 central visual acuity in the better eye with correcting glasses, or a field defect, in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends at an angular distance of no greater than 20 degrees.”

281—56.3(259) Responsibility of the state board. The state board assumes responsibility for the statistical and financial reports containing estimates of expenditures, accounting for federal funds and the furnishing of other information to meet federal requirements found necessary by the federal director.

281—56.4(259) Plan materials and reports.

56.4(1) The director of education as chairperson and executive officer of the state board may act for the board in approving plan material that does not involve a major change in policies.

56.4(2) The plan and all amendments thereto shall be transmitted to the federal director by the administrator of the rehabilitation division with a statement over the signature of the executive officer indicating the effective date and the fulfillment of any conditions necessary to its operation. Plan materials relating to the rehabilitation of the blind shall also indicate the date of adoption by the department for the blind.

281—56.5(259) Plan materials and reports—agency for the blind.

56.5(1) Plan materials and reports of the department for the blind shall be submitted to the federal director through the state board according to special agreement.

56.5(2) An agreement exists between the state board and the department for the blind which provides that plan materials and reports transmitted to the federal office by the department shall be of the same effect as though transmitted by the state board if: (a) Copies of plan materials and reports are simultaneously furnished to the state board; (b) plan materials and reports indicate that copies have been furnished to the state board; (c) within a specified period after the transmission of materials the executive officer of the state board has not advised the federal director that for any reason the state board does not concur in the material.

281—56.6(259) Legal basis. Certified copies of all laws, including current appropriation laws, pertaining to the administration of the division of vocational rehabilitation are included as attachments to this plan.

DIVISION II
ELIGIBILITY

281—56.7(259) Responsibility for determination. The division of vocational rehabilitation assumes responsibility for determination of individuals for vocational rehabilitation, and of the nature and scope of vocational rehabilitation services to be provided; and responsibility shall not be delegated to any other agency or individual not on the staff of the division.

281—56.8(259) Residence. Six months of residence is required to establish eligibility for rehabilitation services; however, applicants who have resided in the state for less than six months may be accepted for service upon submission of satisfactory evidence of intention to remain as permanent residents. If applicant is a former resident of another state, a summary of that state's case record shall be sought as a part of investigative procedure.

281—56.9(259) Criteria of eligibility for vocational rehabilitation. Eligibility for vocational rehabilitation shall be determined upon the basis of two established criteria: the existence of a physical or mental disability; and a substantial employment handicap resulting from the disability.

281—56.10(259) Criteria of eligibility for specific services. The following criteria are established for determination of eligibility of clients for the following services:

56.10(1) Physical restoration.

- a. The service is necessary for the individual's satisfactory occupational adjustment.
- b. The condition causing disability is relatively stable or slowly progressive.
- c. The condition is of a nature that treatment may be expected to remove, arrest or substantially reduce the handicap within a reasonable length of time.
- d. The prognosis for life and employability are favorable.

56.10(2) Training and training materials.

- a. The training and books and supplies are necessary for the individual's satisfactory occupational adjustment.
- b. The individual has the mental and physical capacity to acquire a skill that the individual can perform in an occupation commensurate with the individual's abilities and limitations.

56.10(3) Transportation, occupational licenses and occupational tools and equipment.

- a. An individual may be provided transportation in connection with securing medical or psychological examinations, physical restoration, training or placement and a companion may be transported at rehabilitation expense if the disabled individual cannot travel alone.
- b. An individual is eligible for occupational licenses and customary occupational tools and equipment when necessary for entrance into, and successful performance in, a selected occupation.

56.10(4) Maintenance. A client is eligible for maintenance when it is necessary to the individual's vocational rehabilitation.

Financial need must be established prior to provision of certain services at rehabilitation expense. Individuals are eligible for physical restoration, occupational licenses, customary occupational tools and equipment, training materials, maintenance and transportation (except transportation for diagnosis, guidance or placement) only on the basis of financial need and when services are not otherwise immediately available. Federal reimbursement for these services shall be requested only for disabled individuals found to require financial assistance with respect thereto.

281—56.11(259) Nondiscrimination. The division observes the principle that sex, race or color does not justify inequality in the determination of eligibility and in the provision of necessary rehabilitation service.

281—56.12(259) Classes of individuals to be rehabilitated. The division makes rehabilitation services available only to classes of disabled individuals who through rehabilitation services may be made employable, or more suitably employable; and individuals who are severely disabled or home-bound are not excluded.

281—56.13(259) War-disabled civilians and civil employees of the United States. The division accepts for vocational rehabilitation under the state plan any individual certified by the federal director as a war-disabled civilian or a civilian employee of the United States disabled in the performance of the individual's duty, who is a resident of the state or who chooses the state as and for the individual's residence.

All necessary rehabilitation services, other than maintenance, shall be made available to persons so certified irrespective of the individual's financial need.

281—56.14(259) Hearings on applicants' and clients' appeals. Disabled persons may appeal from the decision of any counselor to the supervisor, or, in instances where the supervisor has had substantial prior involvement in the case, to the assistant chief. The supervisor or assistant chief has ten working days from receipt of the appeal to decide the issue and notify the client in writing. If the client/applicant is not satisfied with the decision, the client/applicant has ten days from the date of the supervisor's or assistant chief's written decision to appeal. The notice of further appeal shall be in writing, dated, and signed by the applicant/client or their parent, guardian, or other representatives. Appeals from the decision of a supervisor or assistant chief shall be heard by an impartial hearing officer, who shall have a background and experience in, and knowledge of, the delivery of vocational rehabilitation services; shall have no personal or financial interest that would be in conflict with the individual's objectivity; shall not be an employee of a public agency involved in any decision regarding the furnishing or denial of rehabilitation services to a vocational rehabilitation applicant or client; and shall not have been involved in previous decisions regarding the vocational rehabilitation applicant or client. The impartial hearing officer shall have 45 days from the date of the original appeal to hold a hearing, unless the time is extended by the showing of good cause on the part of one party or mutual agreement of both parties.

The impartial hearing officer shall make a decision based on the provisions of the approved state plan and the Act and shall provide a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing to: (1) the applicant or client; (2) if appropriate, the applicant's or client's parent, guardian or other representative; (3) the counselor for the case file; and (4) the administrator of DVRS. The impartial hearing officer's decision is considered final and binding unless the DVRS administrator provides notice to the client/applicant within 20 days of the issuance of the decision of intent to review all or part of the decision. The DVRS administrator shall, within 30 days of indicating intent to review the decision, make a final decision and provide a full report in writing of the decision, and of the findings and grounds for the decision, to the applicant or client.

The final decision of the impartial hearing officer or the results of the agency administrator's review, in cases where the administrator chooses to make a review, may be appealed by the client to the district court.

Notification of the right to appeal is verbal and written at each step of the appeal process.

This rule is intended to implement Iowa Code sections 259.1 and 259.3.

DIVISION III
CASE FINDING

281—56.15(259) Finding and intake. The organized program of case finding now in effect at both the local and state level shall be maintained and improvements shall continuously be sought. Counselors share the responsibility for developing referral arrangements with local cooperators and accepting referrals in the field for prompt handling. All new cases whether referred to a local worker or to the state office are checked against a master index for previous information and are acknowledged promptly by letter or a personal call. Public information directed to all known sources of referrals as well as to the general public seeks to localize all disabled individuals of employable age who may be eligible, interpret rehabilitation to them and ascertain whether or not they are interested in or in need of the services offered.

281—56.16(259) Working arrangements with other agencies. In order to facilitate the overall case finding program the division establishes wherever possible working relationships with public and private agencies in areas of health, welfare, compensation, education, employment and other related services.

DIVISION IV
CASE DIAGNOSIS

281—56.17(259) Scope of diagnosis. The case diagnosis constitutes a comprehensive study of the client, including medical as well as a vocational diagnosis of the individual.

281—56.18(259) Basis of diagnosis. The case diagnosis in each case is based on pertinent information, including the individual's health and physical status, intelligence, educational background and achievements, vocational aptitudes and interests, employment experience and opportunities and personal and social adjustments.

281—56.19(259) Medical diagnosis.

56.19(1) As a basis for determination of eligibility and formulation of the individual's rehabilitation plan the division secures competent medical diagnosis and provides every case with the opportunity for a general medical examination. Where reasonably necessary to a decision in doubtful cases, the diagnosis is, if at all practicable, secured from recognized specialists in specific fields indicated by the general medical diagnosis.

Whenever possible the diagnosis is accompanied by recommendations as to the means and methods of restoration and by a statement of any physical or mental limitations that may exist.

56.19(2) The division accepts a medical report in lieu of securing a new examination when the report is from a reliable source and can be relied upon to provide a sound basis for diagnosis of the physical or mental condition of the individual.

56.19(3) Minimum procedures routinely required in the general medical diagnosis are a determination of the physical and mental abilities and limitations of the individual including blood serologic tests, urinalysis and other necessary laboratory tests.

56.19(4) Hospitalization for diagnostic purposes is provided by the division upon proper medical recommendation and upon approval of the medical consultant or supervisor. Normally hospitalization is not for more than three days and in no case does it exceed ten days.

281—56.20(259) Vocational diagnosis. The methods of the vocational diagnosis include counseling interviews with the client; reports as may be needed, including when necessary in the individual case, reports from schools, employers, social agencies, and others; psychological information substantiating the determination of eligibility where eligibility is based on the existence of mental retardation; and exploratory services, services provided by workshops or centers and short tryout courses.

DIVISION V
RECORDING CASE DATA

281—56.21(259) Division files. The division maintains a record for each case which includes pertinent case information including as a minimum, the basis for determination of eligibility, the basis justifying the plan of services and the reason for closing each case together with a justification of the closure. Records and case files may be destroyed when deemed obsolete by the director but in no instance shall records be destroyed until five years after both state and federal audits have been completed and satisfactory adjustments made. A summary card showing pertinent facts will be retained on all case files retired in this manner.

DIVISION VI
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

281—56.22(259) Rules. The division maintains in effect rules necessary to assure that all information as to personal facts and circumstances of clients given or made available to the division, its representatives or employees in the course of administration of the vocational rehabilitation program, including lists of names and addresses and records of evaluation, will be held to be confidential.

The division of vocational rehabilitation, Iowa department of education, hereby adopts, with the following exceptions and amendments, the rules relating to the public records law and fair information practices Act of the Governor's Task Force on Uniform Rules of Agency Procedure which are printed in the first Volume of the Iowa Administrative Code.

281—56.23(22) Use and exchange of information.

56.23(1) Definitions. As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)" insert "division of vocational rehabilitation of the department of education".

"Aggregate data" is information on one or more aspects of division clients, or from some specific subgroup of division clients, without ability to discern personally identifiable data on any individual.

"Case record" means the file of personally identifiable information on an individual collected to carry out the purposes of the division as defined in the Rehabilitation Act of 1973, as amended, and the Social Security Act. This information remains a part of the case record and subject to these rules even when temporarily physically removed, either in whole or in part, from the file folder in which it is normally kept.

"Client" means an individual applying for or receiving benefits or services from any part of the division. The term "client" shall include former clients and denied applicants of the division whose files or records are retained by the division.

"Designated representative" may be anyone the client designates. The term does not necessarily mean a legal representative. The designee may be a parent, legal guardian, friend, doctor, attorney, or other designated person. In instances where the division determines that information requested by the client might be potentially harmful to the client, the agency may require that the information be released to a designated representative. Furthermore, the agency may require that the designated representative be a person knowledgeable and skilled in conveying the type of information in question.

56.23(3) Requests for access to records.

a. *Location of record.* In lieu of the words “(insert agency head)” insert “office where the record is kept”. In lieu of the words “(insert agency name and address)” insert “the Division of Vocational Rehabilitation, 510 East 12th Street, Des Moines, Iowa 50319”.

b. *Office hours.* In lieu of the words “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)” insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays”.

g. *Fees.*

(3) Search and supervisory fee. In lieu of the words “(specify time period)” insert “one-half hour in duration”.

56.23(6) Procedure by which a subject may have additions, dissents, or objections entered into the record. In lieu of the words “(designate office)” insert “the Division of Vocational Rehabilitation, 510 East 12th Street, Des Moines, Iowa 50319”.

56.23(9) Disclosures without the consent of the subject.

a. Open records are routinely disclosed without the consent of the subject.

b. To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

(1) For a routine use as defined in subrule 56.23(10) or in any notice for a particular record system.

(2) To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record; provided, that, the record is transferred in a form that does not identify the subject.

(3) To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of the government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

(4) To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.

(5) To the legislative fiscal bureau under Iowa Code section 2.52.

(6) Disclosures in the course of employee disciplinary proceedings.

(7) In response to a court order or subpoena.

56.23(10) Routine use. “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian’s initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections and appeals for matters in which it is performing services or functions on behalf of the agency.

d. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

e. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

f. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

g. Release of information to employers or placement agents in connection with the employment or placement of the client is considered a routine use for administration of the program. Signed consent is needed for only those with alcohol, drug abuse, or mental health problems.

h. The exchange of necessary client information between the disability determination bureau and the client services bureau will be considered a routine use.

56.23(11) *Consensual disclosure of confidential records.*

a. Consent to disclosure by a subject individual. To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in subrule 56.23(7).

b. Complaints to public officials. A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

c. Obtaining information from a third party. The agency is required to obtain information to establish eligibility, determine the amount and type of assistance, and determine if the person is suitably employed. Requests to third parties for this information involve the release of confidential identifying information about individuals. Except as provided in subrule 56.23(10), the agency may make these requests only when the individual has authorized the release on a division of vocational rehabilitation services release of information form, or an appropriate equivalent from the other party.

56.23(12) *Release to subject.*

a. Subjects of confidential records may file a written request to review the records about themselves as provided in subrule 56.23(6). However, the agency need not release the following records to the subject:

(1) The identity of a person providing information to the agency need not be disclosed directly or indirectly when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18), or other provision of law.

(2) Records need not be disclosed to the subject when they are the work product of an attorney or otherwise privileged.

(3) Peace officers' investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code subsection 22.7(5).)

(4) As otherwise authorized by law.

b. Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

56.23(13) *Availability of records.*

a. Open records. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

b. Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

(1) Sealed bids received prior to the time set for public opening of bids (Iowa Code section 72.3);

(2) Tax records made available to the agency. (Iowa Code sections 422.20 and 422.72);

(3) Records which are exempt from disclosure under Iowa Code section 22.7.

(4) Minutes of closed meetings of a government body (Iowa Code section 21.5(4)).

(5) Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) "d."

(6) Those portions of agency staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by agency staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangement, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

1. Enable law violators to avoid detection;

2. Facilitate disregard of requirements imposed by law; or
 3. Give a clearly improper advantage to persons who are in an adverse position to the agency.
- (See Iowa Code sections 17A.2 and 17A.3).

(7) Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

(8) Any other records made confidential by law.

(9) The division has the authority to collect and maintain records on individuals under the Rehabilitation Act of 1973, as amended; 34 CFR 361.49 (January 1981); the State Plan for Vocational Rehabilitation Services, sections 1 and 9.4, approved by the State Board of Vocational Education; and the Social Security Act. Iowa Code section 259.1 accepts the provisions and benefits of the Rehabilitation Act. Requirements to maintain the confidentiality of personally identifiable information and its release under certain circumstances are provided by those laws and the following:

Freedom of Information Act (5 U.S.C. 552 added by P.L. 90-23 and amended by P.L. 93-502 and P.L. 94-409).

Privacy Act of 1974 (5 U.S.C. 552a) P.L. 93-579.

Drug Abuse Office and Treatment Act (P.L. 92-255, 21 U.S.C. 1175) as amended by the Comprehensive Alcohol and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendment of 1974 (P.L. 93-282) (42 U.S.C. 4582) Section 6103 of the Internal Revenue Code (26 U.S.C. 6103), as amended by the Tax Reform Act of 1976 (P.L. 94-455).

"Government in the Sunshine Act" (P.L. 94-409).

The Family Education Right and Privacy Act (FERPA) (P.L. 93-568).

Part B, Title XVI or the Federal Coal Mine & Safety Act.

Iowa Code section 259.9 accepts the Social Security System rules for the disability determination program of the division of vocational rehabilitation services. Failure to follow the provisions of the Vocational Rehabilitation Act of 1973, as amended, can result in the loss of funds under 34 CFR 361.4 (January 1981). The agency has agreed in its state plan for this program that all personal information concerning clients is confidential and that identifiable personal information concerning clients may be released only with the informed written consent of the client or the client's representative, except as permitted by federal law. See 34 CFR 361.49 (January 1981). Any contrary provisions in Iowa Code chapter 22 must be waived in order to receive federal funds, services, and essential information for the administration of this program.

Records maintained by the division which contain client identifiable personal information about clients and which are considered confidential include:

1. Personnel records. Some of this information may be confidential.
 2. Client case files. All items are personally identified and covered under the above cited statutes.
 3. Client Service Record (CSR-300) computer data base, when personally identifiable information is included.
 4. Vendor computer data base, when personally identifiable client information is included.
 5. Records and transcripts of hearings on appeals.
 6. Any and all computer data bases of client and applicant names and other identifiers.
 7. Any and all computer-generated reports which contain individually identifiable information.
- c. Authority to release confidential records. The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in subrule 56.23(4). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in paragraph 56.23(4) "c."

56.23(14) *Personally identifiable information.* This rule describes the nature and extent of the personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in subrule 56.23(1). For each record system, the legal authority for the collection of that information is that described in subrule 56.23(13). This rule describes the means of storage of that information. The agency could compare personally identifiable information in different data processing systems.

The record systems maintained by the agency include:

a. Personnel records. These contain information relating to initial application, job performance and evaluation, reprimands, grievances, notes from and reports of investigations of allegations related to improper employee behavior, and reports of hearings and outcomes of reprimands and grievances. This material is maintained in paper format, except that some information on former employees is converted to microfiche. Some of the information in personnel records may be confidential, under Iowa Code section 22.7(11).

b. Client case records. An individual file is maintained for each person who has been referred to or applied for the services of the agency. The file contains a variety of personal information about the client, which is used in the establishment of eligibility and the provision of agency services. All information is personally identifiable and is confidential under the statutes and regulations cited in subrule 56.23(13). The client file is maintained only in a paper format.

c. Client Service Record (CSR-300) computer data base. This information is stored in a data processing system. It contains personal data items about individual clients. Under the statutes and regulations cited in subrule 56.23(13) it is confidential where an individual can be identified. The data in the aggregate is not personally identifiable and is open.

d. Vendor purchase records. This is a record of purchases of goods or services made for the benefit of individual clients of the agency. The record contains the client's name and other personal identifiers and is, therefore, confidential. The records are kept in both paper and data processing format. Lists of nonclient vendors, services purchased, and the cost of those services are open when retrieved from a data processing system without personally identifiable data or agency clients.

e. Records and transcripts of hearings or client appeals. These are kept only in paper format and contain personally identifiable information about a client's case, appeal from or for some action, and the decision which has been rendered. Under the citations of subrule 56.23(13) the identifiable personal information is confidential. Some of the information is maintained in an index provided for in Iowa Code subsection 17A.3(1) "d." Information is available only after confidential identifiable personal information is deleted.

f. All computer data bases of client and applicant names and other identifiers. The data processing system contains client status records organized by a variety of personal identifiers. Under the citations in subrule 56.23(13) these are confidential as long as any personal client identifier is present.

g. All computer-generated reports which contain individually identifiable information on agency clients. The agency may choose to draw or generate reports from a data processing system from time to time, which contain information or an identifier which would allow the identification of an individual client or clients. This material is for internal agency use only and under the citations in subrule 56.23(13) is confidential.

56.23(15) *Other groups of records routinely available for public inspection.* This subrule describes groups of records maintained by the agency other than record systems as defined in subrule 56.23(14). These records are routinely available to the public. However, the agency's files of these records may contain confidential information. In addition, the records listed in paragraphs "a," "b," "c," "d," "h," "i," and "j" may contain information about individuals. All records are stored on paper unless otherwise noted. This rule should generally describe the nature of the record, the type of information about individuals contained in it, and whether the records are open or are confidential in whole or in part.

a. Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4.

b. Council and commission records. Agendas, minutes, and materials presented to any council or commission required under the Rehabilitation Act of 1973, as amended, or any of the grant programs, such as independent living and supported employment, authorized under laws relating to vocational rehabilitation are available from the state office of the Division of Vocational Rehabilitation, 510 E. 12th Street, Des Moines, Iowa 50319, except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law. Council and commission records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3. This information is not retrieved by individual identifier and is not stored on an automated data processing system.

c. Publications. News releases, annual reports, project reports, agency newsletters, etc., are available from the state office of the Division of Vocational Rehabilitation, 510 E. 12th Street, Des Moines, Iowa 50319. Brochures describing various agency programs are also available at local offices of the agency.

Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees.

d. Statistical reports. Periodic reports of statistical information on expenditures, numbers and types of case closures, and aggregate data on various client characteristics are compiled as needed for agency administration or as required by the federal funding source. These reports are compiled from data in an automated data processing system. They do not contain individually identifiable data.

e. Grants. Records of persons receiving grants from division of vocational rehabilitation services are available through the state office of the division of vocational rehabilitation services. Grant records contain information about grantees and may contain information about employees of a grantee collected pursuant to federal requirements. This information is not stored in an automated data processing system.

f. Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

g. Policy manuals. The agency employees' manual, containing the policies and procedures for programs administered by the agency, is available in every office of the agency. Subscriptions to all or part of the employees' manual are available at the cost of production and handling. Requests for subscription information should be addressed to: State Office, Division of Vocational Rehabilitation Services, 510 E. 12th Street, Des Moines, Iowa 50319.

Policy manuals are not stored in an automated data processing system.

h. Operating expense records. The agency maintains records of the expense of operation, including such things as office rent, employee travel expenses, costs of supplies and postage, etc. Some of these records contain personally identifiable information. The records are kept in a data processing system, as well as on paper.

i. Training records. Lists of training programs, the persons approved to attend, and associated costs are maintained in these records, which are maintained only on paper. They do contain information about individuals.

j. Facility surveys. Records of agency reviews of facilities providing services to the agency are maintained and used to determine the current acceptable fee schedule. Information about individuals may be included. Some parts of these records may be confidential.

k. All other records that are not exempted from disclosure by law.

56.23(16) Applicability. This chapter implements Iowa Code section 22.11 by establishing agency policies and procedures for the maintenance of records.

This chapter does not:

a. Require the agency to index or retrieve records which contain information about individuals by that person's name or other personal identifier.

b. Make available to the general public records which would otherwise not be available under the public records law, Iowa Code chapter 22.

c. Govern the maintenance or disclosure of, notification of or access to, records in the possession of the agency which are governed by the regulations of another agency.

d. Apply to grantees, including local governments or subdivisions administering state-funded programs.

e. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of records to the general public or to any subject individual or party to the litigation or proceedings shall be governed by applicable constitutional principles, rules of discovery, evidentiary privileges, and applicable regulations of the agency.

This chapter applies only to the division of vocational rehabilitation services of the Iowa department of education.

This rule is intended to implement Iowa Code section 22.11.

DIVISION VII
PLAN FOR INDIVIDUALS

281—56.24(259) Formulation of the plan. The division formulates an individual plan of rehabilitation for each eligible individual to whom rehabilitation services are to be furnished. Plans are formulated on the basis of an evaluation of all data secured through the case diagnosis.

281—56.25(259) Content of plan. The individual plan summarizes diagnostic findings, sets forth the services necessary to accomplish the individual's vocational rehabilitation, the way in which these services are provided, the estimated costs and the established job objective.

281—56.26(259) Client's participation and approval. The individual plan is formulated with the individual's participation and approval and provides for all rehabilitation services that are recognized to be necessary to fully accomplish the individual's vocational rehabilitation whether or not services are at the expense of the rehabilitation division.

281—56.27(259) Conditions for undertaking the individual plan. The basic conditions to the undertaking of the individual plan are: (1) The belief of the division that when concluded it shall satisfactorily achieve the individual's vocational rehabilitation; and (2) that all services are to be carried to completion, provided, however, that the division exercises its discretion in relation to the termination or revision of the individual's plan when, for any reason, it becomes evident that the above underlying conditions will not be met or when the financial condition of the individual or the division makes termination necessary.

281—56.28(259) Trainee cooperation. The division requires good conduct, regular attendance and cooperation of all individuals engaged in rehabilitation training but believes that these requirements will usually be achieved through the maintenance of the previously developed counseling relationship rather than by an authoritative approach. The division makes the following provisions for assuring itself of trainee cooperation: Instruction, verbally or by pamphlet, emphasizing the importance of these factors to the success of the individual plan; advising each trainee at the beginning of the program just what is expected of the trainee and that services shall continue only if the trainee's progress, attitude and conduct are satisfactory; requiring periodic progress, grade and attendance reports from the training agency; maintaining personal supervision of each training program by a counselor—the intensity of supervision as specifically outlined in the Manual of Operations Procedures depends upon the type of training and the individual problems involved; promptly calling the trainee's attention to evidence of unsatisfactory progress or attendance before such conditions become serious; providing encouragement to the trainee to promote good work habits with due commendation for effective effort; maintaining good relationships with the training agency and with one instructor or advisor on the school staff responsible as a coordinator. A coordinator is an absolute requirement in all out-of-state

resident training programs.

DIVISION VIII
SERVICES

281—56.29(259) Scope of services.

56.29(1) All necessary vocational rehabilitation services, including counseling, physical restoration, training and placement are made available to eligible individuals to the extent necessary to achieve their vocational rehabilitation.

56.29(2) The division in selected instances assumes responsibility for providing short periods of medical care for acute conditions arising in the course of rehabilitation, which if not cared for, would constitute a hazard to the achievement of the rehabilitation objective because of the client's limited funds and the unavailability of free medical services.

56.29(3) Duration of training. Rehabilitation training is provided according to the actual needs of the individual case and is limited to the amount of training necessary to fit the client for the vocational objective agreed upon.

281—56.30(259) Counseling and guidance.

56.30(1) Systematic counseling and guidance for the benefit of each individual is provided from acceptance to completion of all services included in the rehabilitation plan.

56.30(2) Service reports. Adequate reports are obtained at reasonable intervals from physicians, schools, hospitals, employers and other agencies providing services to rehabilitation clients and the reports become a part of the individual case files.

281—56.31(259) Placement.

56.31(1) The division recognizes that satisfactory employment is the objective of all services of preparation and that placement is an integral part of the rehabilitation program. The division assumes responsibility not only for preparing the disabled for jobs and training them in techniques in securing their own jobs, but also for accomplishing the actual placement, either directly or indirectly, of all eligible disabled individuals receiving rehabilitation services. Prompt selective placement following preparation is always sought.

56.31(2) Provision is made for a reasonable period of postplacement follow-up to ensure that placement has been successfully accomplished.

281—56.32(259) Working arrangements. The division cooperates with federal and other state agencies providing vocational rehabilitation or similar services and written agreements providing for interagency cooperation may be entered into at the discretion of the state board.

DIVISION IX
FACILITIES

281—56.33(259) Types of facilities. It is the policy of the state division to use any type of public or private facility which is equipped to render the required services of diagnosis, physical restoration, training and placement. Facilities include public and private schools, colleges and universities, correspondence schools, tutors, agencies or individuals for personal adjustment training, business and industrial establishments for employment training, psychometric service agencies, physicians and dentists, hospitals, sanatoria and clinics, audiometric service centers, rehabilitation centers, occupational, physical and work therapists or agencies providing these services, hospitals and convalescent homes, nurses, prosthetic appliance dealers and other similar facilities that are adequately equipped to contribute to the rehabilitation of the disabled.

281—56.34(259) General standards. It is the policy of the division to use only those facilities which meet standards indicating that the services offered are of high quality. Indications of these standards are accreditation, approval or certification by a recognized agency; use of the facility by other public agencies; reputation and community standing; or investigative survey by the division to determine adequacy of professional and technical qualifications of personnel; quantity and quality of equipment and quarters; scope and completeness of services including guarantee of materials and workmanship in case of artificial appliances.

281—56.35(259) Standards for hospitals. Hospitals approved by the American College of Surgeons shall be used when available. In areas where approved hospitals are not available a local hospital approved by the medical consultant may be used, but only in cases in which the physical condition to be corrected is one which does not present a serious problem and is the type that is commonly handled in that hospital by local physicians. To the extent that is practicable, preference will be given to hospitals with more than 100 beds with well-developed surgical and specialty services which have submitted satisfactory reimbursable cost statements.

281—56.36(259) Standards for persons providing physical restoration services.

56.36(1) Persons providing physical restoration services must meet standards which ensure services of high quality. Clients have free choice of professional persons meeting these standards to the extent that the client's choice is reasonable and appropriate.

56.36(2) Medical diagnosis and treatment are provided only by physicians licensed to practice medicine and surgery and who are otherwise qualified by training and experience to perform the specific services required. In instances where qualifications are questionable, decision as to the acceptability of a physician is made by the medical consultant. Whenever possible, well organized clinics offering services of high quality or recognized medical schools are used.

Standards for physical therapists and occupational therapists are those adopted by the Council on Medical Education and Hospitals of the American Medical Association. Therapists working under approved medical supervision in hospitals approved by the American College of Surgeons are assumed to have acceptable qualifications. When personnel with these qualifications are not available other experienced therapists may be used under medical supervision.

Standards for graduate nurses are those adopted by the state board of nursing examiners. Practical nurses are used only when absolutely necessary and when considered qualified as to education and experience in the opinion of local physicians.

Dental diagnosis and treatment are provided only by dentists who are licensed to practice dentistry and are otherwise qualified by training and experience to perform the specific dental services required.

56.36(3) The division determines which of the services required by a client are specialty services. Specialty services are rendered only by physicians found by the division to be specialists qualified to perform the particular services required.

56.36(4) It is the policy of the state division to select specialists according to the following standards and in descending order of preference:

- a. Diplomats of an American board in a medical specialty.
- b. Those eligible for certification as diplomats.
- c. If a physician of one of the first two groups is not available or is not the acceptable choice of the client, other doctors of medicine who are recognized as being qualified in the specialty may be selected by the medical consultant after conferring when necessary with members of the professional advisory committee or local physicians.

281—56.37(259) Standards for facilities providing specialized training or other services. The division selects its training agencies on the basis of their ability to supply the quality of training desired. The general practice of the division is to utilize the facilities of accredited or approved colleges, universities, trade and commercial schools for residence and correspondence training.

56.37(1) *Tutorial training.* The standards of selection of tutors shall be based upon adequate training and experience in the field in which the instruction is to be given. Insofar as possible these tutors shall meet the educational standards for instructors in the regular fields of education.

56.37(2) *On-the-job training.* Agencies selected for employment training must have personnel qualified with respect to personality, knowledge and skill in the technique of instruction, have adequate equipment and instructional material and be willing to make definite provision for a plan of graduated progress in the job to be learned according to an efficiently organized and supervised instructional schedule.

56.37(3) *Personal adjustment training.* In addition to other standards set for tutorial and on-the-job training, an important basis for selection of facilities for personal adjustment training is a sympathetic understanding of the personal adjustment needs of the individual and their importance to the client's total rehabilitation.

56.37(4) *Testing services.* The standards for facilities used in purchasing testing services are: (a) that the service be secured from the psychological department of a recognized educational institution or counseling service, or (b) that the testing be performed by a competent psychologist or psychometrist qualified by adequate training and at least one year of successful experience. Test technicians must be practical in their interpretation of test results to the division and be willing to recognize that they are not employed to do direct counseling with the disabled since the counseling done by the division must be based on all diagnostic information including results of objective measurement.

56.37(5) *Determination of compliance with standards.* The division shall use the following methods of determining compliance with standards: Careful surveys shall be made when deemed necessary of all pertinent factors, including qualification of instructors or other personnel concerned, adequacy of quarters and instructional or other equipment, the use of well organized instructional schedules, the use of good materials and business integrity with the provision of conscientious complete service.

DIVISION X ECONOMIC NEEDS

281—56.38(259) *Establishment of need.* The division establishes the client's economic need prior to providing physical restoration including prostheses, transportation (for other than diagnostic guidance or placement purposes), maintenance, occupational licenses, tools and equipment and training books and supplies except that financial need is only considered when providing maintenance for war-disabled civilians or civil employees of the United States.

In determining economic need the clients, or, in the case of minors, their parents, guardians or responsible relative, are required to make a specific declaration regarding all capital assets and income from any source that may be applied toward the cost of rehabilitation services except those of diagnosis, counseling, training and placement which are provided without regard to economic need.

It is considered desirable to secure an appraisal of the client's financial situation in every instance, however, in order to be certain that the client possesses the resources necessary to carry the client's part of the planned program through to completion. A properly signed financial inventory which certifies as to the total resources available and agrees to notify the division in the event of significant change is required prior to the approval of any plan requesting the purchase of services and the inventory becomes a part of the individual's case file. If there is any doubt as to the accuracy of information submitted on the signed inventory, further investigation is made to determine the correctness of the data collected.

The following policies are observed in making determination of need based upon the findings:

56.38(1) All services requiring the determination of financial need are provided on the basis of supplementing the resources of the client or those responsible for the client.

56.38(2) Personal savings, especially the income from the client's own earnings, are not required to be invested in the rehabilitation program to the extent that the individual's future security may be jeopardized.

56.38(3) Consideration will be given to the client's responsibility for the maintenance of the client's dependents and the client shall be expected to reserve sufficient funds to meet the client's family obligations and provide for their future care, education and medical expense.

56.38(4) Consideration will also be given to factors such as prior obligations as well as to the desirability of conserving the client's own resources for future rehabilitation purposes such as becoming established in business or providing a business automobile required for transportation or employment.

56.38(5) Income or resources which are considered must be real and should not include apparent assets that are actually liabilities and produce no income.

56.38(6) The income or resources should be available to the client, that is, actually on hand, free from prior obligations and ready when needed.

56.38(7) Income or resources up to a reasonable amount should be considered from the standpoint of its conservation and its maximum utilization to the long-term interest of the client. Small casual earnings and unpredictable gifts of indeterminate value should not be counted as resources.

56.38(8) Financial aid from public assistance is disregarded as a resource except as it applies to maintenance.

56.38(9) Since the major and fundamental purpose of the rehabilitation program is the upbuilding and maintaining of attitudes of independence and self-reliance among disabled persons, every effort is made to avoid impoverishing the individual by exhausting the individual's accumulated resources or requiring that the individual mortgage the individual's future.

281—56.39(259) Standards for determining amount of supplementation.

56.39(1) The amount of financial supplementation that is required to meet the cost of necessary services in any individual rehabilitation plan requiring the establishment of need is determined in the following manner: (a) the total cost of the services to be provided is determined; (b) the net available resources of the client which may be used to apply toward the purchase of these services is calculated; (c) the division assumes that portion of the cost which is not covered by the client's available resources; (d) when it is not reasonable to expect any of the client's resources to be applied the total cost of the services is assumed by the division.

56.39(2) In providing maintenance, the dollar standard method of determining need is followed. The standard is changed as advisable to reflect changes in living costs and varies according to type and size of community, kind of training program and other factors affecting living standards. In no case, however, does the maximum maintenance allowance exceed \$20 per week except that in cases where special diets, medicines or special transportation must be provided for severely disabled individuals or during a special training program, the maximum amounts in the dollar standard may be increased by 20 percent.

56.39(3) Goods and services provided are required to be of standard quality, avoiding both inferior and luxury types of purchases, and are required to be provided in an amount and at a time that shall contribute most to the satisfactory consummation of the client's rehabilitation plan.

56.39(4) The cost of care during short periods of acute illness as set forth in 56.29(2) is paid for clients in financial need at the rates specified in the fee schedules. These amounts may be in addition to payments under the dollar standard.

56.39(5) The standards set forth in this rule are uniformly applied.

281—56.40(259) Resources of client. In determining the economic circumstances of the individual the division takes into consideration all consequential resources available to the individual, however derived, including any benefit to which the individual may be entitled by way of pension, compensation, insurance, services in kind or remuneration in connection with employment training. In appraising the income level of the individual, consideration is given to all factors above set forth.

281—56.41(259) Rules respecting capital assets. The general policy of the division (subject to the special provisions indicated above) with respect to the extent that capital assets not constituting current income may be disregarded in determining the economic circumstances of the individual is:

56.41(1) The “reasonable amount of capital assets” which may be disregarded in determining need for assistance is established as: (a) any form of life insurance; (b) real property, which consists mainly of a home for the individual or dependents; (c) personal property in any amount needed to carry on business or earn a livelihood, that is: necessary stock and equipment and business automobile are exempt as are cash or liquid net assets up to \$500 if client has no dependents or \$1,000 if client has dependents.

56.41(2) Capital assets representing the client’s earnings from the client’s own labor are given special consideration as are other factors connected with the client’s long-term responsibilities as set forth under 56.38(259).

DIVISION XI
PROFESSIONAL ADMINISTRATION

281—56.42(259) Methods and policies of selection and appointment. The personnel administration of the division is conducted in accordance with the standards and rules provided by state law. Acting within the scope of state personnel legislation in effect the director selects and appoints all personnel upon recommendation of the administrator of the division. This procedure applies also to promotions, thus ensuring that no individual shall be appointed or promoted except on the basis of fitness, merit and experience and unless it is believed that the individual possesses all the qualifications required for the position and otherwise merits the appointment or advancement. Demotions and discharges of professional workers are made according to the same procedure and in accordance with state personnel regulations in effect but authority is delegated to the administrator to adjust work assignments, reestablish territories, designate actual official residences or transfer employees within the division whenever such action, in the administrator’s opinion, contributes to the efficiency of the division and is carried out in accord with state personnel regulations in effect. The director also delegates to the administrator the authority to immediately suspend any professional worker for cause or discharge any clerical worker for cause subject to provisions of state personnel legislation in effect. The administrator reports in writing all such action to the director and final action as to the termination or reinstatement of suspended professional workers rests with the director.

It is recognized that only the highest caliber of personnel should be engaged in molding the vocational future of the handicapped and therefore the education, experiences, and personal qualifications of all professional workers are required to equal or exceed the highest standards required of professional employees in the department of education. The relative merits of all applicants are weighed and selection is made from among those available possessing the highest qualifications for specific positions. Applicants submit written statements of their education and experience to the director through the administrator who personally interviews the applicants and investigates their records and qualifications. Transcripts of college credit, records of graduate study and copies of theses, dissertations or other professional writings and accomplishments are required to be submitted for review. The administrator reports the results of interviews and investigations and makes recommendations to the director who makes appointments. The director delegates authority to the administrator to investigate, select and employ clerical workers as needed to carry on the operating program of the division but requires that action be in accord with accepted personnel regulations and be reported in writing to the director. All appointments and promotions on the professional or clerical staff are considered to be on a probationary basis for the first year or to the extent consistent with state personnel regulations in effect.

281—56.43(259) Separation of permanent employees. No permanent employee engaged in the day-to-day administration of the program is discharged except for cause or for reasons of curtailment of work or lack of funds, and that in event of separation, the employee shall have the right of appeal through established procedure and opportunity for a fair hearing consistent with personnel legislation in effect.

281—56.44(259) Participation in political activity. Personnel employed in the day-to-day administration of the program shall be prohibited from participation in political activity as required by the federal government except that an employee shall have the right to express personal views and cast a vote.

281—56.45(259) Personnel qualifications. The qualifications here stated are the minimum to be applied in the appointment of new employees and it is the policy of the board to secure whenever possible persons whose qualifications exceed those established as the minimum in an effort to engage only the best prepared and highest caliber of individuals to meet the challenge of rehabilitating the handicapped.

The following minimum qualifications are required of junior vocational counselors or of any employee appointed on a temporary, probationary or permanent basis to do direct interviewing and vocational diagnosis, counseling and plan building:

56.45(1) Personal qualifications.

a. Physical stamina. Physical ability and energy required to meet the rigorous duties of rehabilitation service.

b. Initiative, resourcefulness and persistence. Aggressiveness in originating, planning, and carrying out an undertaking; the ability to find the ways and means of accomplishing it; and the tenacity in following it through to completion.

c. Moral standards. High moral standards, business integrity and sympathetic understanding of handicapped persons.

d. Adaptability. The capacity to get along with others whatever their social or economic status, to understand the viewpoint of others and to discuss matters connected with vocational rehabilitation with an open mind and without becoming argumentative.

e. Maturity of judgment. Good common sense in meeting situations, handling people and in helping the disabled to lay sound plans for carrying through logical rehabilitation programs to successful conclusion.

f. Emotional stability. Free from peculiarities of temperament or behavior and from timidity and shyness in meeting and dealing with people.

g. A good command of English. Ability to speak and write with a reasonable degree of correctness and clarity of expression.

h. Cooperativeness. Willingness to work harmoniously with coworkers and to carry out the details of work according to instructions and in line with approved policies.

56.45(2) Educational qualifications.

a. A minimum of formal education as represented by graduation from a four-year course in an accredited college or university or four or more years of training satisfactorily completed above graduation from high school.

b. Preference is given to persons whose major educational preparation has been in technical fields related to vocational rehabilitation, such as vocational guidance, personnel or industrial management, educational administration, specialized social work or applied psychology.

56.45(3) Experience qualifications.

a. A minimum of three years recent, full-time, paid experience during which the individual has demonstrated personal qualities as indicated above.

b. Other factors being equal preference is given individuals having two or more years experience in one or a combination of the following fields:

(1) Full-time vocational counseling and guidance work with adults or vocational rehabilitation work involving counseling, training, physical restoration and placement of disabled persons.

(2) Selection, training, employee counseling, and vocational adjustment of employees in a commercial or industrial concern or public agency employing 50 or more persons.

(3) Public or quasi-public employment service with major responsibility for employee placement and employer contacts through actual field work.

(4) Instructor in skilled trades or vocational courses or a supervisor of the training.

(5) Workers' compensation referee or claims adjudication officer or job adjustment specialist.

Junior vocational rehabilitation counselor. The above statement of minimum personal, educational and experience qualifications applies to the junior vocational rehabilitation counselor. An employee is classified as a junior vocational rehabilitation counselor during a period of temporary or probationary employment, thereafter, if the employee's services are satisfactory, the employee is added to the permanent professional staff as counselor unless promoted to an advanced classification by approved procedures. Counselors whose services are otherwise satisfactory but who are unable to meet the minimum production standard for full-time counselors employed by the division are retained as junior vocational rehabilitation counselors or are reduced to that status upon the recommendation of the director, who shall take into consideration the quality of work being performed, types of difficult cases being served, and other factors affecting production. This policy shall not be applied in a manner that will discourage quality work or encourage the acceptance of "easy" cases.

Vocational rehabilitation counselor. The minimum qualifications listed above apply to this position and the qualities required must have been demonstrated by successfully passing the probationary period of employment and meeting quantitative and qualitative standards of production.

Senior vocational rehabilitation counselor. In addition to the qualifications of counselor, the senior vocational rehabilitation counselor must hold a master's degree or other technical experience or training in a specialized area of service connected with some phase of rehabilitation and have demonstrated by five or more years of employment to be qualified for handling specialty services to the disabled within the rehabilitation program.

District supervisor. In addition to the minimum qualifications of counselor, the district supervisor must have demonstrated by two or more years additional case work or technical experience in vocational rehabilitation or by one year of experience and additional specialized training to possess the abilities to perform the duties outlined for this position. Special consideration is given to qualities shown by outstanding case work and the ability to train other counselors and supervise and evaluate their work to the end that the highest quality and quantity of rehabilitation services are obtained.

State medical consultant and district medical consultant. Graduation from a school of medicine approved by the Council on Medical Education and Hospitals of the American Medical Association, licensed to practice medicine and surgery in the state, at least three years of resident or graduate training or experience in a medical field appropriate to physical restoration, and held in high regard by the individual's fellow physicians, the state department of public health and the Iowa Medical Society.

Chief. In addition to the minimum personal and educational qualifications of the counselor, the chief must possess a master's degree or not less than five years of formal training above high school graduation. The chief shall possess additional personal qualifications as follows:

56.45(4) Leadership ability. The ability to enlist, organize and use effectively the cooperative efforts of others including coworkers, agencies, groups and individuals and to retain their loyalty.

56.45(5) Planning ability. The ability to anticipate, analyze and lay plans for developing the statewide service to rehabilitate the handicapped.

56.45(6) Administrative and supervisory ability. The ability to develop organization and manage personnel efficiently; the ability to train subordinates in their duties, to analyze and evaluate their work, to effectuate plans, and to devise and apply remedial measures when necessary.

These qualities must have been demonstrated by at least five years of technical experience in civilian vocational rehabilitation employment, including two years in an administrative or supervisory capacity. A person who has qualified for and successfully held the position of district supervisor for three or more years is considered to have met the educational and experience requirements for this position.

Administrator. Same as for chief and in addition must possess the ability to manage funds, maintain financial and statistical records, account for state property, conduct administrative details according to established policy and promote the general rehabilitation program.

Fiscal officer. Because of the responsibilities entailed in this position, high personal as well as educational and experience qualifications are required. The fiscal officer must be at least 21 years of age and qualified to serve as a notary public; must be of good moral character and must have demonstrated high standards of business integrity throughout the individual's business or professional life; must have completed high school training with additional training at the university or business college level in mathematics or accounting and must have excelled in the activity and in addition must have had at least four years of successful business or office experience, at least two years of which must have been in the handling of financial accounts. Preference is given to persons who are four-year college graduates and qualify as certified public accountants or to those whose experience has been closely related to the rehabilitation division in auditing or managing financial accounts.

Clerical staff assistant. This clerical position requires the ability to coordinate office activities, manage inventories, case files and record systems. The individual must be capable of being a personal secretary or administrative aid and taking special assignments in supervising clerical personnel or in performing the more responsible duties in the various departments. The personal qualifications for this position are: (a) strong personality; (b) initiative; (c) emotional stability; (d) good judgment; and (e) interest in the total development of the program. In addition to possessing the educational and experience qualifications of a secretary, the clerical staff assistant must have demonstrated the required abilities by actual employment of not less than one year.

Secretary. Minimum educational qualifications consist of graduation from a four-year high school with additional business training necessary to meet above average requirement in both speed and accuracy in the fields of typing, shorthand, business English and related subjects. In addition a secretary must have demonstrated proficiency by at least one year of successful employment in secretarial or stenographic work. Personal characteristics required are: (a) initiative; (b) industry; (c) neatness; (d) accuracy; (e) pleasing personality; (f) good judgment and (g) good health.

Stenographer. Minimum educational qualifications consist of graduation from a four-year high school with additional business training necessary to meet at least average requirements in both speed and accuracy in the fields of typing, shorthand, business English and related subjects. In addition a stenographer must have demonstrated proficiency by at least six months of successful employment in secretarial or stenographic work. Personal characteristics required are: (a) initiative; (b) industry; (c) neatness; (d) accuracy; (e) pleasing personality; (f) good judgment and (g) good health.

Statistical clerk. The minimum educational, experience and personal qualifications for this position are those set forth for the position of stenographer and in addition the individual must possess sufficient ability in handling mathematical and statistical problems to handle case accounting procedures and prepare analyses of statistical data.

Bookkeeper. The minimum educational, experience and personal qualifications for this position are those set forth for the position of stenographer and in addition the individual must have specialized in bookkeeping or accounting procedures and have demonstrated proficiency in handling routine financial accounts.

Junior stenographer. Minimum educational qualifications consist of graduation from a four-year high school with additional business training necessary to meet at least average requirements in both speed and accuracy in the fields of typing, shorthand, business English and related subjects. Personal characteristics required are: (a) initiative; (b) industry; (c) neatness; (d) accuracy; (e) pleasing personality; (f) good judgment and (g) good health.

Typist. Minimum educational qualifications consist of graduation from a four-year high school with additional training whenever necessary to meet average requirements in both typing speed and accuracy. In addition the personal qualifications of a stenographer are required.

281—56.46(259) Vacations and leaves for illness and military service. Consistent with state personnel regulations the division will allow all employees an annual vacation with pay for one week after the first year of employment and two weeks after two years or more of employment. An employee is not entitled to a portion of vacation as the vacation is due only when fully earned but vacation periods may be adjusted at the administrator's discretion to permit them to fall during the usual vacation months. Short leaves of absence due to personal illness or serious illness or death in the employee's immediate family will be granted by the administrator upon request as conditions warrant. Permanent employees on the professional or clerical staff may be granted a leave of absence with pay of not to exceed 30 days per year when necessary by reason of sickness or injury. The question of need is determined by the administrator who may request substantiating medical information. Unused portions of sick leave may be accumulated for three consecutive years.

Leaves for military service will be granted in accordance with state law.

DIVISION XII
MAXIMUM FEES FOR SERVICES

281—56.47(259) Training.

56.47(1) In no case is the amount paid a training facility in excess of the rate published and in the case of facilities not having published rates, the amount paid the facility does not exceed the amount paid to the facility by other public agencies for similar services.

56.47(2) When facilities are used which have no published rates or from which other public agencies do not purchase similar services, such as on-the-job training, tuition fees shall be established by agreement after ascertaining the comprehensiveness of instruction, the adequacy of equipment, the personal and technical qualifications of instructors and other factors which contribute to the success of such programs. In establishing tuition fees consideration shall be given to the productive value of the trainee's services to the employer, the amount of wages which the employer shall be required to pay the trainee, the amount and type of supervision required of the employer and the length of the training program. Fees may be graduated downward as training progresses but in no case shall the division pay an amount in excess of \$20 per week tuition for on-the-job training for \$2.50 per clock hour for special tutorial instruction. Travel costs of tutors, when required, may be reimbursed in accordance with applicable state regulations.

56.47(3) The division will maintain information necessary to justify the rates of payment made to training facilities.

281—56.48(259) Physical restoration services (other than hospitalization and prosthetic devices) and medical examinations.

56.48(1) The division has established fee schedules which indicate the maximum payments that may be made for physical restoration services and medical examinations. These maximum fees do not exceed those paid by other public agencies operating in the state for these services or examinations.

56.48(2) When medical personnel or facilities located in another state are utilized, the rates of payment of the vocational rehabilitation division of the other state shall be observed.

56.48(3) The division maintains information necessary to justify the rates of payment made for physical restoration services and medical examinations.

281—56.49(259) Hospitalization.

56.49(1) Payments made for days of hospital care are made at inclusive per diem rates as defined in the regulations, and shall not exceed the average per diem cost for hospitalization as computed by the reimbursable cost method promulgated by the federal director, except that services at the Iowa state university hospitals may be purchased at rates not in excess of the average of per diem rates established by all hospitals being used by the Iowa division.

56.49(2) The reasonableness of the cost of such items as blood donors, X-rays, anesthesia, appliances, casts, drugs and supplies, not purchased or provided by the hospital, for which the hospital has made no expenditures during the accounting period and which, therefore, are not covered by the inclusive rates, shall be determined by the charges made for services to the general public and shall not exceed the amount paid by other public agencies for other services.

281—56.50(259) Prosthetic devices.

56.50(1) In no case is the amount paid for prosthetic devices in excess of the published rates for the devices, or, if there are no published rates, the amount paid for the devices does not exceed the amount generally paid for devices by other public agencies operating in the state.

56.50(2) The division maintains information necessary to justify the rates of payment for prosthetic devices.

281—56.51(259) Travel.

56.51(1) All travel expenditures shall be made in accordance with applicable state regulation.

56.51(2) The authority for all official travel of a duly constituted official of the division is issued by the administrator. The administrator delegates authority to control the official travel of all members of the operating staff to the chief. Travel within a district is under the immediate supervision of the district supervisor and authority for district personnel to travel outside of their district is issued by the chief on specific request. All out-of-state travel must be recommended by the administrator and approved by the executive officer of the board and by the executive council of the state.

56.51(3) Official travel shall not be allowed for expenses within the official station of an officer or employee except for necessary transportation expenses other than between home and office or place of duty.

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CHAPTER 57

Reserved